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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In Re U.S. Trademark Registration No. 1,705,741

Mark: NICK FIX

Date of Reg.: August 4, 1992

Registrant: Hermes Fabrik Pharm. Prapate Franz Gradinger GMBH & Co.

Petitioner: Norstar Consumer Products Company, Inc.

Cancellation No. Unknown



04-01-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

PETITION TO CANCEL

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Sir:

Petitioner, Norstar Consumer Products Company, Inc., a Wisconsin corporation with its principal place of business located at 5517 95<sup>th</sup> Avenue, Kenosha, WI 53144, believes that they will be damaged by Trademark Registration No. 1,705,741 for the mark **NICK FIX** in International Class 5, for topical medication for shaving razor cuts, and hereby petitions to cancel the above-identified Registration. Petitioner believes that the Registration is owned by Hermes Fabrik Pharm. Prapate Franz Gradinger GMBH & Co., a Limited Liability Company organized under the laws of the Federal Republic of Germany located at George-Kalb-Strasse 5 - 8, D-82049 Grosshesselohe/Munich, Germany 6133 Bristol Parkway, Culver City, CA 90231 (Registrant) as no assignment documents were uncovered as a result of a search conducted in the USPTO Records.

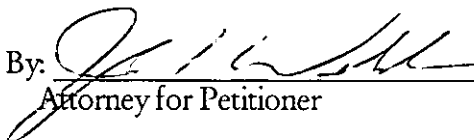
The above identified Petitioner believes that he is or will be damaged by the above identified registration, and hereby petitions to cancel the same.

The grounds for cancellation are as follows:

- 1) Petitioner is using the trademark **NICK FIX** for topical medication for razor cuts.
- 2) Petitioner's own's Federal trademark application **NICK FIX** filed concurrently herewith and Respondent's continued registration is in derogation of Petitioner's right to continue the use of its marks, to Petitioner's damage.
- 3) Respondent's registered mark is being used by the Registrant so as to misrepresent the source of the goods in connection with which the mark is used. The specimen (Exhibit A) filed during the renewal is in fact Petitioner's goods. The specimen is clearly a page from Petitioner's web site, see Norstar at top of page and [www.norstarpc.com](http://www.norstarpc.com) at bottom.
- 4) Respondent's renewal was fraudulently filed as the specimens submitted as evidence of continued use are not those of Respondent and Respondent does not maintain control over Petitioner's goods.

For the foregoing reasons, Petitioner respectfully requests that the subject registration be canceled.

NORSTAR CONSUMER PRODUCTS CO., INC.

By:   
Attorney for Petitioner

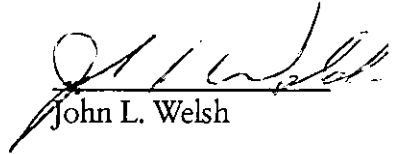
John L. Welsh, Reg. No. 33,621  
WELSH & FLAXMAN LLC  
2450 Crystal Drive  
Suite 112  
Arlington, VA 22202

Date: April 1, 2004

**CERTIFICATE OF SERVICE**

I hereby certify that on the 1<sup>st</sup> day of April, 2004, a true and correct copy of the foregoing Petition to Cancel was served on attorney for Registrant, via First Class Mail, postage prepaid, as follows:

George Gottlieb, Esq.  
GOTTLIEB, RACKMAN & REISMAN, PC  
270 Madison Avenue  
New York, NY 10016-0601  
Attorneys for Registrant

  
John L. Welsh

# EXHIBIT A



Health

Our Products

## Nick-Fix® - for Razor Nicks

**With Aloe Moisturizer!**

- Instantly stops bleeding on razor nicks cuts or s
- Helps skin heal fast
- Soothing and invisible
- Patented soft tip, flow through applicator

**\$2.99**

Enter quantity:



### Product Details

Nick-Fix® is the clean, easy way to stop bleeding on cor nicks, cuts or scrapes. The soft-tip, flow through applica easy to treat even the most sensitive nicked areas.

**Ingredients:** Aluminum sulphate and Aloe Vera.

**Directions:** Apply cold water to the affected area and p Shake gently and press soft-tip applicator to moisten. Apply Nick-Fix® to affected area. Rinse soft tip applicat after each use.

**Warnings:** KEEP THIS AND ALL MEDICATIONS OUT OF REACH OF CHILD external use only.

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